IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.66690-M of 2006

DATE OF DECISION: DECEMBER 12, 2006

Krishan Kumar and another

...PETITIONERS

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.K.K.Goyal, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.

...

The petitioners apprehending arrest in a non-bailable offence in case FIR No.219 dated 30.9.2006 registered under Sections 420/465/467/468/471/120-B IPC at Police Station City Mansa, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that petitioner No.2-Vijay Kumar executed a sale deed in favour of Umesh Kumar, father of the complainant, on 2.6.2000. He executed the sale deed being owner of the plot, as he had purchased the same vide registered sale deed dated 10.7.1997 from Raghubir Chand of Mansa through his attorney Krishan Lal. Counsel further contends that after purchasing the plot, father of the complainant after obtaining permission constructed the house and now after six years of the sale deed, the aforesaid FIR has been lodged at the instance of the son of the purchaser alleging therein that a fraud was committed by petitioner No.2 in connivance with petitioner No.1. Counsel contends that no fraud was committed and perfect title was transferred in favour of the father of the complainant and the allegations are totally false.

Counsel for the petitioners further contends that in terms of the

interim order dated October 30, 2006, the petitioners have joined the investigation. Counsel for the respondent-State does not dispute this fact and further on instructions from ASI Gursewak Singh states that the petitioners are no more required for further investigation.

In view of the above, the interim order dated October 30, 2006 is made absolute on the same terms and conditions.

Disposed of accordingly.

December 12, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE